RADICH *v.* NEW YORK

APPEAL FROM THE COURT OF APPEALS OF NEW YORK

No. 169. Argued February 22, 1971—Decided March 24, 1971

26 N. Y. 2d 114, 257 N. E. 2d 30, affirmed by an equally divided Court.

Richard G. Green argued the cause for appellant. With him on the briefs were *Shirley Fingerhood* and *Melvin L. Wulf.*

Michael R. Juviler argued the cause for appellee. With him on the brief were *Frank S. Hogan* and *William C. Donnino.*

John B. Hightower et al. filed a brief as *amicus curiae* urging reversal.

Louis J. Lefkowitz, Attorney General, *pro se, Samuel A. Hirshowitz,* First Assistant Attorney General, and *Maria L. Marcus,* Assistant Attorney General, filed a brief for the Attorney General of New York as *amicus curiae* urging affirmance.

PER CURIAM.

The judgment is affirmed by an equally divided Court.

MR. JUSTICE DOUGLAS took no part in the consideration or decision of this case.